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Remarks to the Office Action

**REMARKS TO THE FIRST OFFICE ACTION OF THE UNITED STATES PATENT
AND TRADEMARK OFFICE RELATED TO THE PATENT APPLICATION NO.
10/563,812 ENTITLED "MATTRESS WITH INDEPENDENT AND DETACHABLE
PARTS", DATE DECEMBER 17, 2007**

1.- In relation to the Application document please, find attached to this remarks amended pages 1-7 of specification, 8-9 of claims and 10 of abstract. Please, cancel page 11. This is the clean specification. Also, to comply with the patent rules, and to facilitate the examining process, there is attached the specification, claims and abstract showing addition and deletion of text.

The amended claims have been written in a more concise way, eliminating those aspects like procedures or advantages and limiting their contents to what is reflected in the application specification regarding to the mattress.

Regarding point 2 of the Examiner communication, find also attached the Information Disclosure Statement along with copies each cited foreign patent.

2.- Regarding point 3 of the Examiner communication, where the abstract is objected to because it exceeds the 150 words maximum, the applicant submits an amended abstract, page 10, with 132 words.

3.- Regarding point 4 of the Examiner communication, where a different arrangement of the specification is suggested by the Examiner, the applicant accepts those suggestions and consequently the proposed section headings have been amended in pages 1-7 of the specification, 8-9 of claims and 10 of abstract.

Also, the disclosure is objected to because several informalities. These informalities have been amended in page 5.

4.- Regarding point 5 of the Examiner communication, where the trademark VELCRO is used in the application in lowercase letters and in view of the Examiner comment "every effort made to prevent their use...", the applicant has eliminated this term along the specification, claims and abstract, replacing it with the expression "hook and loop fasteners".

5.- Regarding point 6 of the Examiner communication, where claims are objected to because each element or step of the claim should be separated by a line indentation, the applicant has applied this format were applicable, i. e. to the amended claim 1.

6.- Regarding point 7 of the Examiner communication, where Claim 1 is objected to because there is a period in line 15, the applicant has worded amended Claim 1, which does not include this period.

7.- Regarding point 8 of the Examiner communication, where Claim 3 is objected because two informalities in lines 12 and 19, Claim 3 has been canceled.

8.- According to point 9 of the Examiner communication, claims 1-6 are rejected under 35 U.S.C.112, second paragraph as being indefinite. In particular, Claims 1 and 3 recite the term "Velcro type or similar" rendering the claims indefinite. The applicant has refined said claims eliminating such expressions. In fact, the term Velcro has been replaced as explained above in point 4, and the terms type or similar have been omitted from the amended claims.

Claims 2, 3 and 4 have been cancelled, but their essential content has been included in the amended claim 1. For this reason, when one of these claims is objected to because of that content, the applicant will defend it, if interested in maintaining the same, in the point where the Examiner deals with it.

In the case of Claim 2 the phrase "any other type" renders the claim indefinite. Claim 2 has been canceled. Also, claim 2 recites a broad limitation "elastic material" and a narrower statement limitation "preferably latex". The amended claim 1 recites only "natural or synthetic latex materials" expression supported on page 3, lines 22-23 of the disclosure.

In the case of Claim 4 the phrase "or other types" renders the claim indefinite. Claim 4 has been canceled.

In the case of Claim 5 the phrase "other elements" renders the claim indefinite. This phrase has been omitted in the amended Claim 5.

9.- With respect to point 10 of the Examiner communication where claims 4 and 5 are rejected under 35 U.S.C.112, second paragraph because they recite the limitation "it", this term has been omitted in the amended claim 5 and claim 4 has been canceled.

10.- Regarding point 11 of the Examiner communication, where Claim 6 are rejected under 35 U.S.C.112, second paragraph, because it recites the limitation "the bed" for which there is insufficient antecedent, the applicant has replaced the expression "a mattress that avoid children falling off the bed" with "a barrier is made up along said edge areas" in the claim. This expression is supported on page 4, lines 15-18 of the specification.

11.- In reference now to point 12 of the Examiner communication, where claims are rejected under 35 U.S.C.112, second paragraph, because they are narrative and indefinite and replete with grammatical errors, the applicant has worded every claim to bring them in conformity with current U.S. practice, eliminating numeric references, indefinite terms and errors. Note that not any new subject-matter has been introduced in the amended claims.

12.- In reference now to point 13 of the Examiner communication, where claims 1 and 3 are rejected under 35 U.S.C.112, second paragraph, because they contain the trademark/trade name VELCRO, this term has been replaced as explained above in point 4.

13.- Point 14 of the Examiner communication states that Claims 1 and 3-6 do not meet the requirements of 35 U.S.C. 102(b) because they were anticipated by Bridley, US Patent No. 5,581,832.

Regarding Claim 1, the Examiner states that Bridley discloses a mattress with the same composition as that of the present application. The applicant disagrees with this assertion because:

- a) Bridley discloses an enfant support, whereas the application mattress is applicable to people of any age, healthy or ill, submitted to surgery, handicapped or in any other condition.
- b) Bridley discloses an enfant support to limit enfant movement from laying on its side (col. 2, lines 2-4), while the application mattress adjusts pressures, supports, etc., without any limitations to movements of the resting person.
- c) Bridley discloses an enfant support where the adjustment means are positioned: the abdominal support at a fixed position (col. 2, lin. 36-37), and the back support at a selected distance (col. 2, lin. 44-45), while the application mattress is configured in free way using variable positioning, variable shapes, variable resiliencies and assembling support parts on predetermined positions or not. In few words, a mattress adequate to a particular body needs without any restriction.
- d) Bridley discloses an enfant support where the enfant is positioned between an abdominal support and a back support, being this supports the "independent and detachable parts" of the Bridley's invention. The application mattress supports a human body of any age on the independent and detachable parts.

In summary, the applicant deems that the novel feature which constitutes the essence of the invention is expressed in Claim 1 "said selection and said placement of said independent and detachable parts on said base, a mattress adapted for resting on a particular body is formed", that is, a mattress configurable according to the needs of a particular body resting on it. This is supported, for example, on page 6, lines 29-31 and page 3, lines 26-31 of the specification.

In the amended claim 1, the listing order of components have been altered between base and independent parts because, in the paragraph regarding to the base, a reference is made to the independent part that for this reason are firstly mentioned.

Regarding to Claim 3, the Examiner states that in Bridley "a plurality of continuous or separated fabric ...(30 and 32)...allows placing said independent and detachable parts... in whatever position of said upper surface of said base". As mentioned before, claim 3 has been cancelled, but since its essential content is included in the amended claim 1, some arguments against this statement follow. The

applicant is in disagreement with this assertion because the adjustment means of Bridley are positioned: the abdominal support at a fixed position (col. 2, lin. 36-37), and the back support at a selected distance (col. 2, lin. 44-45). Also, in column 4, lines 1-17 of Bridley's specification three, spaced apart, hook and loop fastener strips (30, 34) are mentioned twice. If they are positioned spaced apart, the strips do not form, at least, a continuous sheet as claimed in the application.

On the other hand, the Examiner statement "each of said sheets of auto adherent complementary fabric being the same dimension as said lower surface of the independent and detachable part" applied to Bridley's invention, is not correct in the applicant opinion because in Figures 1-7 there are three strips attached to the base of the abdominal and back supports covering a little portion of these bases.

Regarding claim 4, the Examiner states that Bridley discloses an outer cover provided with side fasteners. Claim 4 has been cancelled, but since its essential content is included in the amended claim 1, some arguments against this statement follow. According to paragraphs col. 3, lines 11-15, col. 4, lines 35-38 and Figures 5-6, the back and abdominal supports features individual covers. The mattress of the application may have an outer cover including all components inside.

Regarding claim 5, the Examiner states that Bridley discloses that the enfant support can be used by means of adequate choice of dimensions and shapes, as cushion, seat, etc. for resting an adult or child's body, according to col. 2, lines 1-5 and Figures 1-7. The applicant disagrees with this opinion because: a) Bridley, in the cited reference, only refers to infants of different sizes, and not to other bodies, and b) it seems difficult to use the constraining supports and the base member of Bridley as cushion, seat, armrest, etc. since it lacks of an uniform and continuous surface for resting the body, arm, leg, etc.

Regarding claim 6, the Examiner states that Bridley discloses "that by placing independent and detachable parts of greater height than the others in the areas of the edge of the mattress a mattress that avoids children of the bed is formed.... Note that... the independent parts would be capable of preventing children falling off a bed". Note that in the amended claim 6 such advantage has been omitted, now claiming "placing independent and detachable parts of greater height in edge areas of said

mattress, a barrier is made up along said edge areas". This change is supported on page 4, lines 15-17 of the description. The applicant concedes that the independent parts would be capable of preventing children falling off a bed, but disagrees with the first part of the Examiner's statement, since there are not detachable parts of greater heights than others. In fact, in Bradley's invention there are only two detachable parts and no other parts and additionally their dimensions are perfectly defined in column 4, lines 49-53 and on the other hand, these parts can not be positioned along the edges of the base but the abdominal support at a fixed position (col. 2, lin. 36-37), and the back support at a selected distance (col. 2, lin. 44-45).

14.- In reference now to point 15 of the Examiner communication, were claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bridley reference which discloses the independent parts being of a shape selected from prismatic... or any other type that can deform elastically when submitted to a load... the height of said independent and detachable parts being variable. Claim 2 has been cancelled, but since its essential content is included in the amended claim 1, some arguments against this statement follow. Note that the amended claim 1 only recites "said independent and detachable parts are selected from prismatic, cylindrical, and truncated conical or truncated pyramidal shapes and from natural or synthetic latex materials". This is supported on page 3, lines 18 and 22-23.

The applicant disagrees with the above mentioned features applied to Bridley's invention because the shapes of the parts are established in column 4, lines 49-53 and are rectangular with an inclined face and cylindrical, with respective heights of 4-5 inches and 3-4 inches (diameter).

Also, the Examiner states, "the Bridley reference fails to explicitly disclose the material of the independent parts". The applicant disagrees with this assertion because in column 4, lines 35-38, Bridley discloses explicitly which materials form the abdominal and back supports.

In view of the foregoing remarks, the applicant hereby respectfully requests reconsideration and prompt allowance of the claims.